

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

MOMS FOR LIBERTY BRANCH AND  
HILLSDALE COUNTY;  
JENNIFER WORTZ, Individually and by  
Next of Friend of O.W., a minor;  
And by STACY WOHLHETER, Individually  
And by Next Friend of E. and A. W., minors,

Case No. 1:21-cv-959

Hon. Hala Y. Jarbou

Plaintiffs,

Hillsdale Co. Circuit Court No. 21-706-CZ  
Hillsdale Co. Judge: Hon. Sara S. Lisznyai

v

REBECCA BURNS, in her official capacity as  
Health Officer; BRANCH-HILLSDALE-ST. JOSEPH  
COMMUNITY HEALTH AGENCY; and  
READING COMMUNITY SCHOOLS,

Defendants.

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**DEFENDANT BURNS AND BRANCH-HILLSDALE-ST. JOSEPH CHA'S**  
**12(b)(1) and (b)(6) MOTION TO DISMISS IN LIEU OF ANSWER**

**NOW COME** the Defendants Rebecca Burns and Branch-Hillsdale-St. Joseph Community Health Agency, through counsel, and pursuant to Fed. R. Civ. P. 12(b)(1) and (b)(6), move this court to dismiss Plaintiffs' complaint for the reasons more thoroughly set forth in the attached brief in support. On November 17, 2021, undersigned counsel sought concurrence in the requested relief, but as of the time of filing, has received no response from Plaintiffs' counsel.

Respectfully submitted,

ROSATI SCHULTZ JOPPICH &  
AMTSBUECHLER, P.C.

/s/ Andrew J. Brege  
Andrew J. Brege (P71474)  
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Dated: November 17, 2021

**PROOF OF SERVICE**

I hereby certify that on November 17, 2021, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send notification of such filing to the attorneys of record identified in the caption.

Respectfully submitted,

ROSATI SCHULTZ JOPPICH &  
AMTSBUECHLER, P.C.

/s/ Andrew J. Brege

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Dated: November 17, 2021